

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

RESCINDING RESOLUTION PB-16-06 AND APPROVING DESIGN REVIEW AMENDMENT (PLN19-0556) TO PREVIOUSLY-APPROVED DESIGN REVIEW (PLN16-0036) FOR THE PHASE 1 WATERFRONT PARK WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, on March 14, 2016, the Planning Board adopted Resolution No. PB-16-06 approving Design Review application PLN16-0036 for Phase 1 of the Waterfront Park, which consists of a 2.63-acre waterfront park along the northern edge of the Seaplane Lagoon, including expensive shoreline and flood protection improvements, within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, on October 28, 2019, the applicant, Alameda Point Partners (APP), filed an application to amend the March 14, 2016 design review approval; and

WHEREAS, the Phase 1 Waterfront Park represents the first phase of a larger 7.2-acre waterfront park along the northern edge of the Seaplane Lagoon and is designed to meet the design objectives established by the Alameda community through the Community Reuse Plan, the General Plan, the Town Center Plan, the Site A Development Plan, and the cultural landscape guidelines for the Naval Air Station Alameda Historic District (Historic District); and

WHEREAS, the Phase 1 Waterfront Park is designated as Mixed Use in the General Plan; and

WHEREAS, the Phase 1 Waterfront Park is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, the Phase 1 Waterfront Park is located within the Site A Development Plan approved by the City Council on June 16, 2015; and

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of the Phase 1 Waterfront Park; and

WHEREAS, the Planning Board held a study session on September 9, 2019 and a public hearing on December 9, 2019 for this Design Review Amendment application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review Amendment approval:

DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a waterfront park along the northern edge of the Seaplane Lagoon at the heart of the commercial center and at the terminus of a major transit corridor within Alameda Point's "town center" creates a community-wide amenity for existing and future residents and employees at Alameda Point and throughout the City of Alameda, and supports a transit-and pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan. The proposed design review amendment consists of minor changes to surface materials, tree types, stormwater treatment, and site furnishings. These changes are consistent with the original approved park layout and configuration and do not significantly change the park design or its consistency with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.
- 2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The Phase 1 Waterfront Park is designed to provide a variety of public spaces for passive recreation and opportunities for the public to enjoy the waterfront location and special events, and appreciate the views of the San Francisco skyline and the historic row of Seaplane Hangar buildings at the entrance to the Historic District, along the northern edge of the Seaplane Lagoon. The urban character and hardscape promenade proposed for the design of the Phase 1 Waterfront Park and the adjacent shared waterfront street to the east provide a transition between the urban fabric of Block 11 and the rest of Alameda Point to the east and the more natural and passive environment planned for the future phases of waterfront park along the Seaplane Lagoon to the west. The proposed design review amendment consists of minor changes to surface materials, tree types, stormwater treatment, and site furnishings. These changes are consistent with the original approved park design and the result park will remain compatible with surrounding uses.
- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed design of the Phase 1 Waterfront Park is compatible with the existing buildings and cultural landscape within the Historic District and the adjacent Site A development. The design of the Phase 1 Waterfront Park pays homage and respect to the historic cultural landscape elements of the former NAS Alameda by engraving a timeline along the major east west gathering area into the concrete to remind and educate the public about the history of the site and the Historic District. The tree plantings are strategically places

to preserve important view corridors, and revision from structured terraces to low-sloped softscape areas maintain the flat "openness" character of the historic taxiways. The Phase 1 Waterfront Park will provide a landscape transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east consistent with the Historic District guidelines. While the Phase 1 Waterfront Park design addresses flood protection and sea-level rise, it also maintains the "horizontal" of the space and minimizes the use of walls in order to respect the cultural landscape guidelines for the Historic District. This approach also allows for the preservation of the existing bulkhead, which is a character defining feature of the Historic District; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043), and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing the Phase 1 Waterfront Park, based on substantial evidence, that no further review under CEQA is required; and
3. The Phase 1 Waterfront Park landscape design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to the Phase 1 Waterfront Park that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Phase 1 Waterfront Park project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the Phase 1 Waterfront Park project and there are no cumulative impacts to which the Phase 1 Waterfront Park project makes a considerable contribution which were not discussed in the FEIR; and

8. There are no previously identified significant impacts of the Phase 1 Waterfront Park which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR; and.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review amendment application is required; and

BE IT FURTHER RESOLVED, that Planning Board resolution PB-16-06 adopted on March 14, 2016 is hereby rescinded and replaced by this resolution; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review Amendment PLN19-0556, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by April Philips Design Works dated December 9, 2019 on file in the office of the City of Alameda Planning, Building, and Transportation Department.
2. Repackaged Design Review Plan Set: Prior to submittal of building permits, the applicant shall submit for City record-keeping a complete, repackaged set of Design Review plans that contains only the information for the approved project (omitting comparison drawings and details of the previous project) to the satisfaction of the Planning Director.
3. CEQA: Final plans submitted for building permits shall include a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4.C-1, 4.D-1c, -4.D-2, 4.D-3, 4.D-4, 4.E-1b, 4.E-2c, 4.E-4b, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.H-1, 4.H-2, 4.H-3, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-1e, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including the Phase 1 Waterfront Park within Site A.
4. Park Seating: Final plans submitted for building permits shall include details for additional park seating to the satisfaction of the Recreation and Parks Director.
5. Public Art Approval. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must obtain approval from the Public Art Commission of the public art planned for the "Taxiway" area of the Phase 1 Waterfront Park.
6. Subsequent Design Review Approvals. New buildings associated with the "Future Development Pads" shown in the "Taxiway" area and any modifications to enclose the "Pavilion" in the "Overlook" area shall be subject to future design review approval.
7. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and

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be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.

8. Sea Level Rise: Final plans submitted for building permits shall include details for the sea level rise adaptive management strategy or changes to the plans that may have arisen as the result of any final conditions imposed by the Bay Conservation and Development Commission permit for the improvements. The plans shall show how the Phase 1 Waterfront Park sea level rise protection zone will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation (currently at 3.6) consistent with the design review approval and how the plan may be adapted at a future date to address increases in sea level rise above 24 inches, and any modifications required to the park design as a result of the future adaptive management strategies.
9. Naval Air Station Alameda Historic District Certificate of Approval: Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant shall submit all final proposed changes to the cultural landscape to the Historical Advisory Board for review and approval. All building plans and site improvement plans submitted for permits within the Historic District shall be reviewed for compliance with the Historic District and Cultural Landscape Guidelines, the Secretary of Interior Standards for the Rehabilitation of Historic Structures, and AMC Section 13-21 Preservation of Historical and Cultural Resources by the City of Alameda Historical Advisory Board.
10. Public Trust Exchange Act and Agreements: All use of land within the Phase 1 Waterfront Park on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
11. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning, Building, and Transportation Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (Water Board), and/or the Army Corps of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

13. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration)

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consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Phase 1 Waterfront Park.

14. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
15. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
16. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet City of Alameda's Street Lighting Design Guide, latest edition. Standards for crosswalks, sidewalks, and intersections shall also be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

Improvement Plans

17. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including shoreline flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City Engineer, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
18. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
19. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each commercial space.
20. Fire Safety: Prior to approval of the improvement plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow

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can be reduced by 50% for fire sprinklered buildings.

- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
- c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
- d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

21. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.

22. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

23. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of a minimum one and a half (1½) inch deep asphalt concrete overlay. Applicant shall replace pavement markings within street resurfacing area. Street resurfacing and pavement markings shall be performed in accordance with the Public Works Department's Standard Plans and Specifications to the satisfaction to the City Engineer.

24. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the City Engineer, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

25. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of the Phase 1 Waterfront Park shall be approved by the City Engineer.

Water Quality

26. 401 Certifications Conditions. The development of the Phase 1 Waterfront Park must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
27. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for the Phase 1 Waterfront Park, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for the Phase 1 Waterfront Park attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
28. Final C3 Certification: The Final Improvement Plans and the Final Stormwater Management Plan for Block 11 shall include a stamped and signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit.
29. Stormwater Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit (or as adjusted by any project site Phasing Plan), including a temporary occupancy permit, the applicant/developer shall submit a certification report (Report) affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any

required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including the Phase 1 Waterfront Park. If the Water Board staff does not respond to the applicant's Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP.
31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
32. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
33. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area.

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Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.

35. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any homeowners association or (HOA) or condominium association (CA) shall be incorporated with the CC&Rs of the relevant HOA/CA.
37. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the Alameda County Recorder's Office.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and 401 Certification Conditions.
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

40. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
41. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
42. Collection: Internal collection and storage area(s) and the individual bins and containers provided shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
43. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used.

Construction Conditions

44. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclists, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the traffic control plans. In general, any public right-of-way shall remain unobstructed during project construction or the applicant/developer shall provide an ADA compliant alternative route as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, the applicant shall propose a traffic control plan including appropriate detours, signs and barricades for review and approval by the City Engineer. Should transit routes be affected, applicant/developer is required to obtain prior approval from

AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the City Engineer.

45. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The applicant/developer shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During construction, the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
46. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into the construction documents for every contract.
47. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
48. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any City observed Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
49. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP

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and Bay Area Air Quality Management District (BAAQMD) requirements.

50. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
51. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Planning, Building, and Transportation Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

52. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

53. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
54. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
55. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
56. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.

57. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
58. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
59. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
60. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
61. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
62. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
63. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
64. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.

Exhibit 4

Item 7-B, December 9, 2019

Planning Board Meeting

65. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
66. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
67. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
68. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
69. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
70. HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Council, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building, and Transportation Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the Exhibit 4

dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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